



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS
Signature required

JUL 10 2014

Mr. Edward Short
Justin Tanks LLC.
21413 Cedar Creek Avenue
Georgetown, DE 19947

Re: Notice of Violation
Compliance Evaluation Inspection
August 20, 2013
EPA ID No. DED021957444

Docket Number: R3-14-NOV-RCRA-20

Dear Mr. Short:

On August 20, 2013 the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under the Delaware Regulations Governing Hazardous Waste (DeRGHW) and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. at Justin Tanks LLC (the Facility). A copy of the inspection report is enclosed. Based on that inspection and/or review of other pertinent information, EPA has determined that the Facility is violating regulations promulgated under DeRGHW and RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation (NOV)**. The specific violation(s) are:

1. During the inspection the inspector observed a pneumatic pump used to move waste acetone from a 55 gallon container into the distillation unit; see page 2 and photo 6 of the inspection report. According to the Facility representative this pneumatic pump is not monitored for leaks nor is it cleaned to remove waste acetone that it contacts. Failure to determine whether equipment contains or contacts a hazardous waste with 10% or more organic concentration DeRGHW § 265.1063(d) [40 C.F.R. § 265.1063(d)]. Failure to monitor equipment monthly that contains or contacts hazardous waste DeRGHW § 265.1052 [40 CFR § 265.1052].
2. Both ends of the lines connected to the pump are open ended with no cap or seal to prevent release of vapors. Failure to have each open ended line equipped with a cap, blind flange, plug, or a second valve DeRGHW § 265.1056 [40 CFR § 265.1056].


Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this Notice of Violation may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

Within thirty (30) calendar days of the receipt of this NOV, please submit a response documenting the measures the facility has taken or is taking to achieve compliance with the violations noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Any response to this NOV shall be addressed to:

Stephen Forostiak (3LC70)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103


Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

July 10, 2014
Date

Enclosure

cc: S. Forostiak (3LC70)
K. J'Anthony (DNREC)